

11558. Adulteration of evaporated milk. U. S. v. 77 Cases of Evaporated Milk. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17326. I. S. No. 262-v. S. No. E-4320.)

On March 8, 1923, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 77 cases of evaporated milk at Jersey City, N. J., alleging that the article had been shipped by Calevas Bros., New York, N. Y., on or about April 20, 1920, and transported from the State of New York into the State of New Jersey, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Libby's Sterilized Unsweetened Evaporated Milk Packed And Guaranteed By Libby, McNeill & Libby Main Office Chicago Confectioners' Size Net Weight Of Contents 8 Lbs."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On June 28, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11559. Adulteration of frozen eggs. U. S. v. American Egg & Products Co., a Corporation. Plea of nolo contendere. Fine, \$100 and costs. (F. & D. No. 17416. I. S. No. 7921-t.)

On May 11, 1923, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the American Egg & Products Co., a corporation, St. Louis, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, on or about February 10, 1922, from the State of Missouri into the State of Pennsylvania, of a quantity of frozen egg which was adulterated.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained added water or egg white, and consisted of decomposed frozen eggs.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy and decomposed and putrid animal substance. Adulteration was alleged for the further reason that a substance, to wit, water or egg white, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for frozen egg which the said article purported to be.

On June 20, 1923, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11560. Misbranding of apples. U. S. v. John C. Losee. Plea of nolo contendere. Fine, \$25. (F. & D. No. 8971. I. S. No. 3314-p.)

On October 1, 1918, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John C. Losee, Buckland, Mass., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about November 21, 1917, from the State of Massachusetts into the State of New York, of a quantity of apples which were misbranded. The article was labeled in part: "Standard Grade Min. Vol. 3 Bu. Baldwins Grown In Massachusetts Min. Size 2½ In. Packed By J. C. Losee, Buckland, Mass. Packed Accordance Act Congress Approved Aug. 1912."

Examination of one barrel of the product by the Bureau of Chemistry of this department showed 48 quarts of undersized apples and 10 quarts of apples which were wormy and infested by the codling moth.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Standard Grade * * * Baldwins * * * Min. Size 2½ In.," borne on the barrels containing the article, regarding the said article, was false and misleading in that the said statement represented that the apples contained in the said barrels were standard grade Baldwins of not less than 2½ inches each, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said apples were standard grade Baldwins of not less than 2½ inches each,